

Report Date: April 28, 2016

United States District Court

for the

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

APR 29 2016

SEAN F. McAVOY, CLERK
YAKIMA, WASHINGTON DEPUTY

Name of Offender: Eric Charles Kilthau Case Number: 0980 2:13CR02092-LRS-38

Address of Offender: [REDACTED] Zillah, Washington 98953

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge

Date of Original Sentence: April 24, 2014

Original Offense: Theft from Gaming Establishment Less than \$1,000, 18 U.S.C. § 1167(a)

Original Sentence: Probation 3 years Type of Supervision: Probation

Asst. U.S. Attorney: Alison L. Gregoire Date Supervision Commenced: April 24, 2014

Defense Attorney: John S. Matheson Date Supervision Expires: April 23, 2017

PETITIONING THE COURT**To issue a summons.**

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><u>Mandatory Condition # 2:</u> The offender shall not commit another federal, state, or local crime.</p> <p><u>Supporting Evidence:</u> On March 19, 2015, Mr. Kilthau was arrested by the Zillah Police Department for driving under the influence (DUI), case number 5Z0223461. On August 12, 2015, Mr. Kilthau was found guilty of DUI in Zillah Municipal Court. Mr. Kilthau was sentenced to 1 day in jail and probation.</p>
2	<p><u>Mandatory Condition # 2:</u> The offender shall not commit another federal, state, or local crime.</p> <p><u>Supporting Evidence:</u> On August 14, 2015, Mr. Kilthau was arrested by a Washington State Patrol (WSP) Trooper for driving under the influence (DUI), case number 5Z0792495. The WSP trooper pulled Mr. Kilthau over for traveling 71 miles per hour in a 60 mile-per-hour speed limit zone. When the WSP Trooper contacted Mr. Kilthau he could smell a strong odor of intoxicants coming from Mr. Kilthau's breath.</p>

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Mr. Kilthau refused to do the Standardized Field Sobriety Testing and refused to provide a breath test. A blood sample was taken from Mr. Kilthau showing a blood alcohol level of .193 and .198.

This case has not been resolved in Yakima County District Court, the next court date is set for May 10, 2016.

- 3 **Special Condition # 16:** You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Kilthau completed a substance abuse assessment in April 2015, as directed by this officer; however, he never followed through with treatment. Mr. Kilthau stated he was not going to start treatment until his second driving under the influence charge was finalized by the court. Mr. Kilthau has been reminded monthly, for almost a year, by this officer that he needs to begin substance abuse treatment. However, Mr. Kilthau has chosen not to engage in substance abuse treatment.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 28, 2016

s/Phil Casey

Phil Casey
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

4/29/16
Date